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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MARK DOUGLAS HOWELL,  
CHERYL LYNN SELINSKY, and LELAND CHARLES LEBER  
Junior Party  
(Patent 6,379,708),

v.

M. RIGDON LENTZ  
Senior Party  
(Application 09/709,045).

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Patent Interference No. 105,413  
(Technology Center 1600)

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1 Before Torczon, Lane, and Tierney, Administrative Patent Judges.  
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3 Lane, Administrative Patent Judge.  
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6 **Judgment – Merits – Bd.R. 127**

7 Junior party Howell's motion for judgment on the basis of priority has been  
8 denied. (Paper 155). Since Howell is junior party, it is appropriate to enter  
9 judgment on priority against Howell.

Upon consideration of the record and for reasons given, it is:

ORDERED that judgment on priority as to Count 1, the sole count of the interference, is entered against junior party Howell;

FURTHER ORDERED that claims 1-44 of Howell patent 6,379,708, which claims correspond to Count 1, be CANCELLED, 35 U.S.C. § 135(a);

FURTHER ORDERED that, if there is a settlement agreement, the parties are directed to 35 U.S.C. § 135(c) and Bd.R. 205; and

FURTHER ORDERED that a copy of this judgment and a copy of the decision on priority motions (Paper 155) shall be entered into the administrative record of Howell patent 6,379,708 and Lentz application 09/709,045.

/Richard Torczon/  
Administrative Patent Judge

/Sally Gardner Lane/  
Administrative Patent Judge

/Michael P. Tierney/  
Administrative Patent Judge

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) BOARD OF  
) PATENT APPEALS  
) AND  
) INTERFERENCES  
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cc (electronic filing):

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